



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

an

HD:hd
Docket No: 02566-02
26 November 2002

LCD [REDACTED] SC USN
[REDACTED]
[REDACTED]

Dear Command [REDACTED]

This is in reference to your application dated 16 November 2001, seeking reconsideration of your previous application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You again requested entry grade credit for your master's degree in health care administration. Your previous case, docket number 11126-89, was denied on 18 October 1989.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, reconsidered your case on 26 November 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your current application, together with all material submitted in support thereof, the Board's file on your prior case, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Chief, Bureau of Medicine and Surgery dated 12 September 2002, a copy of which is attached. The Board also considered your letter dated 3 November 2002.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the advisory opinion, except the last sentence of paragraph 2. Accordingly, the Board again voted to deny relief. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

BUREAU OF MEDICINE AND SURGERY

2300 E STREET NW

WASHINGTON DC 20372-5300

IN REPLY REFER TO

1120

Ser 13/02-8836

12 Sep 02

From: Chief, Bureau of Medicine and Surgery
To: Board for Correction of Naval Records

Subj: ADVISORY OPINION ICO LCDR [REDACTED], MSC, USN,

Ref: (a) BCNR ltr of 26 Oct 89

Encl: (1) BCNR Application ICO LCDR [REDACTED]

1. Enclosure (1) is forwarded recommending Lieutenant Commander [REDACTED] Ensign Date of Rank remain 27 January 1989.

2. A prior Board for Correction of Naval records ruling for the same request, reference (a), stated that "... the Board found that the evidence submitted was insufficient to establish probable material error or an injustice. ... concluding that you were awarded the proper entry grade credit...". While the cited example of another Medical Service Corps officer during the same time period receiving entry grade credit in a similar situation is notable, it is not sufficient in the case of Lieutenant Commander [REDACTED] to justify awarding erroneous entry grade credit. In addition, retroactive awarding of entry grade credit for entry level rank when the officer is now a Lieutenant Commander is inappropriate.

3. Your point of contact [REDACTED] NC, USN, who may be reached at [REDACTED]

[REDACTED]

By direction

SEP 23 2002